

**July 23, 2015**

**Public Hearing – Reclaimed Water – Chapter 173-219 WAC**

**Department of Ecology Headquarters and Webinar, Lacey, WA**

Hello, my name is Jocelyn Jones and I will be the Meeting Facilitator and Hearing Officer for today's meeting and public hearing.

Before we go any further, let us make sure we are all in the correct place. This meeting and public hearing are part of the public comment period for the **Reclaimed water Chapter 173-219**.

Webinar participants are on mute. To indicate that you want to provide comment today, use the Raise Your Hand Feature as you here on this slide.

Start Hearing...**\*\*Start recorder.\*\***

- Let the record show it's 10:14 AM on July 23, 2015. This hearing is being held at: Department of Ecology on 300 Desomnd Drive in Lacey Washington.

The purpose of this hearing is to receive public comments on the Reclaimed Water Rule WAC 173-219 .

Legal notice of this hearing was published in the Washington State Register on June 16, 2015. The Washington State Register Number is 15-13-118

In addition, notices of the hearing were:

- Sent via email to 1600+ interested people,
- And a news release was issued on June 22, 2015

In addition, notice of this comment period and hearing were published on Ecology's Public Participation Calendar at <http://apps.ecy.wa.gov/pubcalendar/calendar.asp> on June 24, 2015.

A additional hearing was held on July 21, 2015 at Center Place Regional Event Center, 2426 N Discovery Place, Spokane Valley, WA 99216

Okay, let's get started! When I call your name, we'll unmute you, please remember, state your name affiliation for the record.

- I apologize in advance if I mispronounce your name. Feel free to correct me
- Remember, one at a time, questions are for the record, limit comments to about five minutes?

Okay, We have one person signed up to testify, Mr. Hal Beecher. Please come forward and provide your comments.

My name is Hal Beecher from Department of Fish and Wildlife, Habitat Program, speaking on behalf of Steven Boessow who was unable to attend today.

The Department of Fish and Wildlife works with Ecology and others to ensure that streams, lakes, wetlands, and estuaries have adequate clean water for fish and wildlife. According to RCW 77.57.020: "It is the policy of this state that a flow of water sufficient to support game fish and food fish populations be maintained at all times in the streams of this state." Department of Fish and Wildlife staff have participated in discussions of reclaimed water management options and have been guided by this policy.

The Department of Fish and Wildlife has concerns that some of the proposed management options for reclaimed water may conflict with the state policy in RCW 77.57.020. The following points are ones WDFW has raised during the discussions.

Efficient use of water and clean water are generally beneficial. The point of discharge of water matters. Treatment plants that discharge directly to saltwater have the least impact to the environment when treating and reusing water. Treatment plants that discharge to freshwater have the potential to impact fish by treating and reusing water. This statement is meant to discuss the impacts of reclaimed water - where the treatment plant discharges to freshwater.

Where discharge formerly added to stream flows, that water would now be piped elsewhere for use onland, thereby reducing streamflow compared to operation without reclaimed water. Often, the underlying water right is already impacting flows so reclaiming that water could constitute a second hit on the river, affecting a greater length of stream. Water entering a sewage treatment facility was originally withdrawn or diverted under a water right. That water right was reviewed and issued by Ecology and WDFW had an opportunity to review and comment on that water right. Ecology's water right application processing includes the four part test for water rights, where the four parts are availability, beneficial use, impairment, and public interest; only impairment would now be considered. Ecology contended that only instream flows or conditions set in WAC could be considered in reviewing reclaimed water applications. WDFW comments need not be limited to Ecology's perceived limitations. Ecology should consider all comments from non-lead agencies.

WDFW was opposed to indirect conveyance of reclaimed water because it becomes a new water use without water right processing and the associated environmental review and conditioning under RCW

77.57.020. Indirect conveyance is using waters of the state to send treated water downstream to be diverted and used in a new location. Direct conveyance is providing reclaimed water through purple pipe to users (usually within the existing service area). Indirect use would circumvent the environmental safeguards associated with the water right application review process. Marketing water to be diverted from waters of the state should go through a water rights review. Some sidebars would need to be set to prevent reclaimed water being marketed outside of the watershed.

- Anyone else wish to testify? **No**

Okay, thank you all for your testimony. I just have a few more things to read into the record – bear with me...

If you'd like to send Ecology written comments, please remember electronic comments must be received no later than August 21, 2015 and Hardcopy comments must be postmarked by that same day.

**Send all comments to:** Dennis McDonald , Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7600.or electronically, [reclaimedwater@ecy.wa.gov](mailto:reclaimedwater@ecy.wa.gov).

You can also go to [www.ecy.wa.gov/programs/wq/ruledev/wac173219/comments.html](http://www.ecy.wa.gov/programs/wq/ruledev/wac173219/comments.html) and use our online comment form.

The official hearing record for the Reclaimed Water Rulemaking for 173-219 WAC includes all testimony received at this hearing; testimony from the previous hearing; e-mails and hard copy comments must be received or postmarked by August 21, 2015.

Ecology will send notice about the Concise Explanatory Statement or CES publication to:

- Everyone that provided written comments or oral testimony on this rule proposal and submitted contact information.
- Everyone that signed in for today's hearing that provided an email address.
- Other interested parties on the agencies mailing lists for this rule.

The CES will, among other things, contain the agency's response to questions and issues of concern on the Rule and SEPA documents that were submitted during the public comment period. If you would like to receive a copy but did not give us your contact information, please let one of the staff at this hearing know, or contact Dennis McDonald at the contact information provided for submitting comments.

## **Next Steps**

The next step is to review the comments and make a determination whether to adopt the rule. Ecology Director Maia Bellon will consider the rule documentation and staff recommendations and will make a decision about adopting the proposal.

Adoption is currently scheduled for **October 28, 2015**. If the proposed rule should be adopted at that time and filed with the Code Reviser, it will go into effect 31 days later.

If we can be of further help to you, please do not hesitate to ask or you can contact Dennis McDonald.

On behalf of the Department of Ecology, thank you for coming. I appreciate your cooperation and courtesy.

Let the record show that this hearing is adjourned at **10:24 AM**.

**\*\*\* Turn Off Recorder\*\*\***